

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TENNESSEE
3 GREENEVILLE

4 UNITED STATES OF AMERICA, . DOCKET NO. CR-2-14-46
5 GOVERNMENT, .
6 VS. . GREENEVILLE, TN
7 STEVEN CHRISTOPHER, . MARCH 16, 2015
8 DEFENDANT. . 10:29 A.M.
9

10
11 TRANSCRIPT OF PROCEEDINGS
12 BEFORE THE HONORABLE J. RONNIE GREER
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

15 FOR THE GOVERNMENT: U.S. DEPARTMENT OF JUSTICE
16 OFFICE OF U.S. ATTORNEY
17 J. GREGORY BOWMAN, AUSA
220 WEST DEPOT STREET, SUITE 423
GREENEVILLE, TN 37743

18 FOR THE DEFENDANT: SPURRELL & ASSOCIATES, LLC
19 DONALD E. SPURRELL, ESQ.
20 128 EAST MARKET STREET, SUITE ONE
JOHNSON CITY, TN 37604

21
22 COURT REPORTER: KAREN J. BRADLEY
23 RPR-RMR
24 U.S. COURTHOUSE
220 WEST DEPOT STREET
GREENEVILLE, TN 37743

25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY COMPUTER.

1 (CALL TO ORDER OF THE COURT AT 10:29 A.M.)

2 THE COURT: SORRY FOR THE DELAY. WE HAD USED
3 THE OTHER COURTROOM LAST WEEK AND EVERYTHING WAS LEFT ON
4 THAT BENCH.

5 MR. SPURRELL: GOOD MORNING, YOUR HONOR.

6 THE COURT: ALL RIGHT. CALL THIS CASE,
7 PLEASE.

8 THE CLERK: USA VERSUS STEVEN CHRISTOPHER, CASE
9 NUMBER CR-2-14-46.

10 (DEFENDANT SWORN)

11 EXAMINATION

12 BY THE COURT:

13 Q. GOOD MORNING, MR. CHRISTOPHER.

14 A. GOOD MORNING.

15 Q. MR. CHRISTOPHER, THE FEDERAL GRAND JURY HAS RETURNED
16 A 10 COUNT INDICTMENT IN THIS CASE. I UNDERSTAND THAT YOU
17 HAVE NOW ENTERED INTO A PLEA AGREEMENT WITH THE UNITED
18 STATES AND THAT PURSUANT TO THAT PLEA AGREEMENT YOU WISH
19 TO CHANGE YOUR PLEA THIS MORNING TO A PLEA OF GUILTY AS TO
20 COUNT ONE OF THIS INDICTMENT, WHICH CHARGES YOU WITH A
21 CONSPIRACY TO DISTRIBUTE 280 GRAMS OR MORE OF COCAINE
22 BASE; IS THAT CORRECT?

23 A. YES.

24 Q. ALL RIGHT, SIR. BEFORE I CAN ACCEPT YOUR GUILTY
25 PLEA, THERE ARE A NUMBER OF QUESTIONS I NEED TO ASK YOU TO

1 ASSURE THAT THE PLEA IS A VALID ONE. IF YOU DO NOT UNDER-
2 STAND ANY QUESTION, PLEASE ASK ME TO EXPLAIN IT TO YOU,
3 AND YOU MAY CONFER WITH YOUR ATTORNEY ON ANY QUESTION IF
4 YOU FIND IT NECESSARY TO DO SO; DO YOU UNDERSTAND THAT?

5 A. YES.

6 Q. DO YOU UNDERSTAND THAT ARE YOU NOW UNDER OATH AND
7 THAT IF YOU ANSWER ANY OF MY QUESTIONS FALSELY, YOUR
8 ANSWERS MAY BE USED AGAINST YOU IN ANOTHER CRIMINAL
9 PROSECUTION FOR PERJURY OR FOR MAKING A FALSE STATEMENT?

10 A. YES.

11 Q. MR. CHRISTOPHER, HOW OLD ARE YOU?

12 A. TWENTY-NINE.

13 Q. AND WHAT EDUCATION DO YOU HAVE?

14 A. I DIDN'T GRADUATE.

15 Q. ALL RIGHT. DID YOU DO SOME HIGH SCHOOL?

16 A. YES.

17 Q. WHAT GRADES DID YOU COMPLETE?

18 A. ELEVENTH, I BELIEVE.

19 Q. OKAY. AND ARE YOU ABLE TO READ AND WRITE WITHOUT
20 DIFFICULTY?

21 A. YES, PERFECTLY FINE.

22 Q. ARE YOU NOW BEING TREATED OR HAVE YOU RECENTLY BEEN
23 TREATED FOR MENTAL ILLNESS OR ADDICTION TO NARCOTIC DRUGS
24 OF ANY KIND?

25 A. NO.

1 Q. HAVE YOU TAKEN ANY DRUGS, MEDICINE, PILLS, OR
2 ALCOHOLIC BEVERAGE OF ANY KIND IN THE LAST 24 HOURS?

3 A. NO.

4 Q. IS THERE ANYTHING AT ALL ABOUT YOUR MENTAL OR
5 PHYSICAL CONDITION HERE THIS MORNING WHICH WOULD MAKE IT
6 DIFFICULT FOR YOU TO UNDERSTAND THESE PROCEEDINGS, TO
7 THINK CLEARLY OR TO MAKE GOOD DECISIONS ABOUT YOUR CASE?

8 A. NO.

9 Q. AND, IN FACT, DO YOU UNDERSTAND WHAT'S HAPPENING
10 HERE TODAY?

11 A. YES.

12 THE COURT: MR. SPURRELL, DO YOU CONSIDER THE
13 DEFENDANT COMPETENT TO ENTER THIS GUILTY PLEA HERE TODAY?

14 MR. SPURRELL: YES, YOUR HONOR.

15 Q. MR. CHRISTOPHER, HAVE YOU RECEIVED A COPY OF THE
16 INDICTMENT RETURNED BY THE GRAND JURY?

17 A. YES.

18 Q. HAVE YOU READ THE INDICTMENT?

19 A. YES.

20 Q. HAVE YOU HAD SUFFICIENT TIME TO DISCUSS THIS CASE
21 WITH YOUR LAWYER?

22 A. YES.

23 Q. HAVE YOU TOLD YOUR LAWYER EVERYTHING YOU KNOW ABOUT
24 THIS CASE?

25 A. YES.

1 Q. DO YOU BELIEVE THAT YOUR LAWYER IS FULLY AWARE OF
2 ALL THE FACTS UPON WHICH THIS CHARGE IS BASED?

3 A. YES.

4 Q. HAS YOUR LAWYER EXPLAINED TO YOU THE NATURE AND
5 MEANING OF THE CHARGES AGAINST YOU?

6 A. YES.

7 Q. HAS YOUR ATTORNEY EXPLAINED TO YOU THE MEANING OF
8 ALL WORDS USED IN THIS INDICTMENT ABOUT WHICH YOU HAD ANY
9 QUESTION? IN OTHER WORDS, IF THERE WERE WORDS USED IN
10 THIS INDICTMENT THAT YOU DID NOT UNDERSTAND, HAS
11 MR. SPURRELL EXPLAINED THEM TO YOU?

12 A. YES.

13 Q. HAS YOUR ATTORNEY ADVISED YOU AS TO EACH AND EVERY
14 ELEMENT OF THIS OFFENSE WHICH THE GOVERNMENT MUST PROVE
15 BEYOND A REASONABLE DOUBT IN ORDER TO OBTAIN A CONVICTION
16 AGAINST YOU IN THIS CASE?

17 A. YES.

18 Q. NOW, MR. CHRISTOPHER, AS I INDICATED TO YOU, THE
19 INDICTMENT RETURNED BY THE GRAND JURY IS A 10 COUNT
20 INDICTMENT. YOU'RE NOT CHARGED IN ALL COUNTS OF THAT
21 INDICTMENT, BUT THE RELEVANT COUNT OF THAT INDICTMENT FOR
22 OUR PURPOSES HERE TODAY IS COUNT ONE OF THAT INDICTMENT.

23 COUNT ONE OF THAT INDICTMENT READS AS FOLLOWS:
24 THE GRAND JURY CHARGES THAT FROM IN OR ABOUT JANUARY 2013
25 AND CONTINUING TO ON OR ABOUT JANUARY 20, 2014, WITHIN THE

1 EASTERN DISTRICT OF TENNESSEE AND ELSEWHERE, THE
2 DEFENDANTS, STEVEN CHRISTOPHER, RAMON WILLIAMS, MAXWELL
3 SUERO AND CANDICE SOUTHERLAND, AND OTHER PERSONS KNOWN AND
4 UNKNOWN TO THE GRAND JURY, DID KNOWINGLY, INTENTIONALLY
5 AND WITHOUT AUTHORITY COMBINE, CONSPIRE, CONFEDERATE AND
6 AGREE WITH EACH OTHER AND WITH DIVERSE OTHER PERSONS TO
7 COMMIT THE FOLLOWING OFFENSES AGAINST THE UNITED STATES:
8 DISTRIBUTION OF 280 GRAMS OR MORE OF A MIXTURE AND
9 SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF COCAINE BASE,
10 CRACK, A SCHEDULE II CONTROLLED SUBSTANCE, IN VIOLATION OF
11 TITLE 21, UNITED STATES CODE, SECTION 841(A)(1), ALL IN
12 VIOLATION OF TITLE 21, UNITED STATES CODE, SECTIONS 846
13 AND 841.

14 DO YOU UNDERSTAND THAT THAT'S WHAT YOU'RE
15 CHARGED WITH IN COUNT ONE OF THE INDICTMENT?

16 A. YES.

17 Q. AND DO YOU UNDERSTAND THAT BEFORE YOU COULD, EXCUSE
18 ME, BE CONVICTED AS CHARGED IN COUNT ONE OF THIS INDICT-
19 MENT, THAT IS WITH A CONSPIRACY TO DISTRIBUTE 280 GRAMS OR
20 MORE OF COCAINE BASE, THE UNITED STATES WOULD BE REQUIRED
21 TO PROVE EACH OF THE FOLLOWING ELEMENTS BEYOND A REASON-
22 ABLE DOUBT: FIRST, THAT TWO OR MORE PERSONS, DIRECTLY OR
23 INDIRECTLY, REACHED AN AGREEMENT TO DISTRIBUTE COCAINE
24 BASE AS CHARGED IN THE INDICTMENT; SECOND, THAT YOU KNEW
25 OF THE UNLAWFUL PURPOSE OF THAT AGREEMENT; THIRD, THAT YOU

1 JOINED IN THE AGREEMENT WILLFULLY, THAT IS WITH THE INTENT
2 TO FURTHER ITS UNLAWFUL PURPOSE; AND, FOURTH, THAT THE
3 OVERALL SCOPE OF THE CONSPIRACY INVOLVED 280 GRAMS OR MORE
4 OF COCAINE BASE, DO YOU UNDERSTAND THE GOVERNMENT WOULD
5 HAVE TO PROVE ALL THOSE ELEMENTS BEYOND A REASONABLE DOUBT
6 BEFORE YOU COULD BE CONVICTED OF THIS OFFENSE?

7 A. YES.

8 Q. HAVE YOU AND YOUR ATTORNEY DISCUSSED ANY POSSIBLE
9 DEFENSES YOU MIGHT HAVE TO THIS CHARGE?

10 A. YES.

11 Q. NOW, MR. CHRISTOPHER, HAVE YOU READ THE PLEA
12 AGREEMENT THAT'S BEEN FILED IN THIS CASE?

13 A. YES.

14 Q. AND HAS YOUR ATTORNEY EXPLAINED TO YOU ALL THE TERMS
15 AND CONDITIONS OF THE PLEA AGREEMENT YOU'VE ENTERED
16 INTO?

17 A. YES.

18 Q. DO YOU FULLY UNDERSTAND ALL THE TERMS AND CONDITIONS
19 OF THIS PLEA AGREEMENT YOU'VE MADE WITH THE GOVERNMENT?

20 A. YES.

21 Q. AND IS THIS YOUR SIGNATURE ON THIS PLEA AGREEMENT
22 THAT'S BEEN FILED WITH THE COURT AS DOCUMENT 30 IN THIS
23 CASE?

24 A. YES. I SIGNED IT. YES.

25 Q. ALL RIGHT. ARE YOU SATISFIED WITH YOUR LAWYER'S

1 REPRESENTATION OF YOU IN THIS CASE?

2 A. YES.

3 THE COURT: MR. SPURRELL, ARE YOU SATISFIED
4 THAT MR. CHRISTOPHER UNDERSTANDS THE CHARGE, THE ELEMENTS
5 OF THE OFFENSE CHARGED AND THE LEGAL MEANING OF ALL WORDS
6 USED IN THIS INDICTMENT?

7 MR. SPURRELL: YES, YOUR HONOR.

8 Q. NOW, MR. CHRISTOPHER, BY PLEADING GUILTY HERE TODAY
9 YOU WILL GIVE UP CERTAIN RIGHTS THAT YOU WOULD OTHERWISE
10 HAVE HAD IN THIS CRIMINAL CASE. I'M GOING TO ASK YOU
11 SEVERAL QUESTIONS TO MAKE SURE THAT YOU UNDERSTAND WHAT
12 YOU ARE GIVING UP BY PLEADING GUILTY IN THIS CASE. FIRST
13 OF ALL, DO YOU UNDERSTAND THAT YOU HAVE A RIGHT TO PLEAD
14 NOT GUILTY TO ANY OFFENSE CHARGED AGAINST YOU AND TO
15 PERSIST IN YOUR NOT GUILTY PLEA?

16 A. YES.

17 Q. DO YOU UNDERSTAND THAT YOU WOULD THEN HAVE THE RIGHT
18 TO A TRIAL BY JURY?

19 A. YES.

20 Q. DO YOU UNDERSTAND THAT DURING THAT JURY TRIAL YOU
21 WOULD HAVE THE RIGHT TO THE ASSISTANCE OF COUNSEL FOR YOUR
22 DEFENSE, COUNSEL APPOINTED BY THE COURT AND PAID FOR BY
23 THE GOVERNMENT IF YOU COULD NOT AFFORD TO HIRE YOUR OWN
24 ATTORNEY?

25 A. YES.

1 Q. DO YOU UNDERSTAND THAT DURING THAT JURY TRIAL YOU
2 WOULD HAVE A RIGHT TO SEE AND HEAR THE GOVERNMENT'S
3 WITNESSES AGAINST YOU AND HAVE THOSE WITNESSES CROSS
4 EXAMINED BY YOUR ATTORNEY IN YOUR DEFENSE?

5 A. YES.

6 Q. DO YOU UNDERSTAND THAT YOU WOULD HAVE THE RIGHT ON
7 YOUR OWN PART NOT TO TESTIFY AT TRIAL UNLESS YOU CHOSE TO
8 DO SO IN YOUR OWN DEFENSE?

9 A. YES.

10 Q. DO YOU UNDERSTAND THAT YOU WOULD HAVE THE RIGHT TO
11 THE ISSUANCE OF SUBPOENAS TO COMPEL THE ATTENDANCE OF
12 WITNESSES, EVEN UNWILLING WITNESSES, TO APPEAR AND TESTIFY
13 ON YOUR BEHALF AT TRIAL?

14 A. YES.

15 Q. AND, VERY IMPORTANTLY, MR. CHRISTOPHER, DO YOU
16 UNDERSTAND THAT BY ENTERING A PLEA OF GUILTY HERE THIS
17 MORNING, IF THE PLEA IS ACCEPTED BY THE COURT, THERE WILL
18 BE NO TRIAL IN YOUR CASE?

19 A. YES.

20 Q. AND DO YOU UNDERSTAND THAT BY PLEADING GUILTY HERE
21 TODAY, YOU WILL GIVE UP YOUR RIGHT TO A TRIAL OF ANY KIND,
22 AS WELL AS ALL THESE OTHER RIGHTS ASSOCIATED WITH A TRIAL
23 THAT I HAVE JUST DESCRIBED TO YOU?

24 A. YES.

25 Q. DO YOU ALSO UNDERSTAND THAT YOU WILL BE GIVING UP

1 YOUR RIGHT NOT TO BE COMPELLED TO INCRIMINATE YOURSELF IN
2 THE CASE?

3 A. YES.

4 Q. AND DO YOU UNDERSTAND THAT YOU WILL BE GIVING UP THE
5 RIGHT TO REQUIRE THE UNITED STATES TO PROVE YOU GUILTY
6 BEYOND A REASONABLE DOUBT?

7 A. YES.

8 Q. MR. CHRISTOPHER, HAS ANY PERSON, INCLUDING AN
9 OFFICER OR AGENT OF THE GOVERNMENT, PUT ANY PRESSURE ON
10 YOU MENTALLY OR PHYSICALLY TO FORCE YOU TO PLEAD GUILTY IN
11 THIS CASE?

12 A. NO.

13 Q. NOW, I AM AWARE THAT THE GOVERNMENT HAS MADE CERTAIN
14 PROMISES TO YOU IN THIS PLEA AGREEMENT, BUT ASIDE FROM THE
15 PROMISES CONTAINED IN THE PLEA AGREEMENT HAS ANY OFFICER
16 OR AGENT OF THE GOVERNMENT PROMISED YOU OR SUGGESTED TO
17 YOU THAT YOU WILL RECEIVE A LIGHTER SENTENCE OR ANY OTHER
18 FORM OF LENIENCY IF YOU PLEAD GUILTY?

19 A. NO.

20 Q. ONCE AGAIN, ASIDE FROM ANY PROMISE CONTAINED IN THIS
21 PLEA AGREEMENT, HAVE ANY PROMISES OR THREATS OF ANY KIND
22 BEEN MADE BY ANYONE TO INDUCE YOU TO PLEAD GUILTY IN THIS
23 CASE?

24 A. NO.

25 Q. MR. CHRISTOPHER, I WILL NOW STATE FOR THE RECORD

1 THAT THE COURT WILL REVIEW THE PLEA AGREEMENT IN THIS
2 CASE. I ADVISE BOTH YOU AND COUNSEL THAT I AM NOT
3 REQUIRED TO ACCEPT THIS PLEA AGREEMENT AND THAT I WILL
4 DEFER MY DECISION ON WHETHER OR NOT TO ACCEPT OR REJECT
5 YOUR PLEA AGREEMENT UNTIL AFTER I HAVE RECEIVED A
6 PRESENTENCE REPORT FROM THE UNITED STATES PROBATION
7 OFFICE; HOWEVER, IF I DO REJECT THIS PLEA AGREEMENT, YOU
8 WILL BE SO ADVISED HERE IN OPEN COURT AND YOU WILL BE
9 PERMITTED TO WITHDRAW YOUR GUILTY PLEA; DO YOU UNDERSTAND
10 THAT?

11 A. YES.

12 THE COURT: MR. SPURRELL, DOES THE DEFENDANT
13 WAIVE ANY FURTHER FORMAL READING OF THE INDICTMENT?

14 MR. SPURRELL: YES, YOUR HONOR.

15 Q. NOW, BEFORE I CAN ACCEPT YOUR GUILTY PLEA,
16 MR. CHRISTOPHER, I MUST DETERMINE THAT THERE IS WHAT'S
17 CALLED AN ADEQUATE FACTUAL BASIS FOR THE GUILTY PLEA. IN
18 OTHER WORDS, I NEED TO DETERMINE THAT THERE ARE SUFFICIENT
19 FACTS ADMITTED TO YOU -- OR ADMITTED BY YOU TO ESTABLISH
20 YOUR GUILT IN THE CASE; DO YOU UNDERSTAND THAT?

21 A. YES.

22 Q. NOW, IT APPEARS THAT YOU HAVE ENTERED INTO A
23 STIPULATION IN THIS CASE. THAT STIPULATION OF FACTS IS
24 CONTAINED IN PARAGRAPH 4 OF YOUR PLEA AGREEMENT. IT IS
25 INCLUDED IN THIS PLEA AGREEMENT FOR THE PURPOSE OF

1 ESTABLISHING THE REQUIRED FACTUAL BASIS FOR THE GUILTY
2 PLEA. MR. CHRISTOPHER, DID YOU READ PARAGRAPH 4 OF YOUR
3 PLEA AGREEMENT CAREFULLY?

4 A. YES. I READ THE WHOLE THING.

5 Q. I'M SORRY?

6 A. I READ THE WHOLE THING.

7 Q. ALL RIGHT, SIR. AND DID YOU REVIEW THIS STIPULATION
8 OF FACTS THAT'S CONTAINED IN PARAGRAPH 4 OF YOUR PLEA
9 AGREEMENT CAREFULLY WITH YOUR ATTORNEY?

10 A. YES.

11 Q. DO YOU AGREE WITH THE SUMMARY OF WHAT YOU DID IN
12 THIS CASE THAT'S SET OUT IN PARAGRAPH 4 OF THIS PLEA
13 AGREEMENT?

14 A. YES.

15 Q. ARE ALL OF THE FACTS CONTAINED IN PARAGRAPH 4 OF
16 YOUR PLEA AGREEMENT TRUE?

17 A. LET ME SEE THAT.

18 YES.

19 Q. ALL RIGHT. AND DO YOU STIPULATE HERE THIS MORNING
20 UNDER OATH THAT THE FACTS CONTAINED IN PARAGRAPH 4 OF YOUR
21 PLEA AGREEMENT ARE TRUE AND CORRECT?

22 A. YES.

23 Q. NOW, MR. CHRISTOPHER, I ALSO NOTE THAT PARAGRAPH 4
24 OF YOUR PLEA AGREEMENT CONTAINS SOME LANGUAGE THAT I WANT
25 TO CALL TO YOUR ATTENTION. IN PARAGRAPH 4 OF THE PLEA

1 AGREEMENT THERE IS A PROVISION THAT THESE STIPULATED FACTS
2 DO NOT NECESSARILY CONSTITUTE ALL OF THE FACTS IN THIS
3 CASE; DO YOU UNDERSTAND THAT?

4 A. UH-HUH; YES.

5 Q. AND DO YOU UNDERSTAND THAT THERE MAY BE OTHER FACTS
6 RELEVANT TO SENTENCING WHICH THE COURT WILL CONSIDER AT
7 THE TIME OF YOUR SENTENCING IN THE CASE?

8 A. YES.

9 Q. ALL RIGHT. MR. CHRISTOPHER, HOW DO YOU PLEAD THEN
10 AS TO COUNT 1 OF THIS INDICTMENT, WHICH CHARGES YOU WITH A
11 CONSPIRACY TO DISTRIBUTE 280 GRAMS OR MORE OF A MIXTURE
12 AND SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF COCAINE
13 BASE, CRACK, A SCHEDULE II CONTROLLED SUBSTANCE, IN
14 VIOLATION OF TITLE 21, UNITED STATES CODE, SECTIONS 846,
15 841(A)(1) AND 841(B)(1)(B), DO YOU PLEAD GUILTY OR NOT
16 GUILTY?

17 A. GUILTY.

18 Q. AND DO YOU UNDERSTAND WHAT IT IS YOU'RE PLEADING
19 GUILTY TO?

20 A. YES, SIR.

21 Q. AND ARE YOU OFFERING TO PLEAD GUILTY BECAUSE YOU ARE
22 IN FACT GUILTY?

23 A. YES.

24 THE COURT: ALL RIGHT, MR. BOWMAN, WOULD THE
25 GOVERNMENT PLEASE ADVISE THE DEFENDANT AS TO THE MAXIMUM

1 POSSIBLE PENALTY PROVIDED BY THE LAW FOR THIS OFFENSE, AS
2 WELL AS ANY MANDATORY MINIMUM SENTENCE HE FACES.

3 MR. BOWMAN: YES, YOUR HONOR.

4 THE DEFENDANT FACES A MINIMUM MANDATORY 10
5 YEARS UP TO LIFE IMPRISONMENT, A FINE OF -- WELL, IT SAYS
6 \$10,000, YOUR HONOR, IT'S OBVIOUSLY A TYPO, IT SHOULD BE
7 \$10 MILLION, A PERIOD OF SUPERVISED RELEASE OF AT LEAST 5
8 YEARS UP TO LIFE AND A \$100 SPECIAL ASSESSMENT FEE.

9 YOUR HONOR, THE PLEA AGREEMENT NOTES THE
10 ENHANCED PENALTY AS WELL, HOWEVER, THE UNITED STATES HAS
11 NOT FILED AN 851 NOTICE AND WILL NOT BE DOING SO.

12 THE COURT: ALL RIGHT.

13 IS THAT PART OF YOUR AGREEMENT WITH
14 MR. CHRISTOPHER, THAT YOU WILL NOT FILE SUCH A --

15 MR. BOWMAN: THERE IS NOT AN EXPLICIT
16 AGREEMENT, YOUR HONOR. OF COURSE, IF THE PLEA IS, GOES
17 FORWARD AS ENTERED TODAY, WE WILL NOT BE ABLE TO ENTER
18 THAT 851 NOTICE AFTER THAT ANYWAY; BUT THAT IS OUR CURRENT
19 INTENT, YOUR HONOR.

20 THE COURT: ALL RIGHT.

21 Q. ALL RIGHT. MR. CHRISTOPHER, DO YOU UNDERSTAND THAT
22 THAT IS THE MAXIMUM SENTENCE THE COURT CAN IMPOSE IN THIS
23 CASE?

24 A. YES.

25 Q. AND DO YOU ALSO UNDERSTAND THAT UNDER FEDERAL LAW

1 THE COURT WILL BE REQUIRED TO IMPOSE A MINIMUM MANDATORY
2 SENTENCE OF AT LEAST 10 YEARS OF IMPRISONMENT IN THE
3 CASE?

4 A. YES.

5 Q. AND DO YOU UNDERSTAND THAT ABSENT A GOVERNMENT
6 MOTION FOR DOWNWARD DEPARTURE OR SOME OTHER VERY
7 EXTRAORDINARY CIRCUMSTANCE, THIS COURT WILL HAVE NO
8 DISCRETION TO IMPOSE ANY SENTENCE LESS THAN THE 10 YEAR
9 MANDATORY MINIMUM SENTENCE SET BY STATUTE?

10 A. YES.

11 Q. DO YOU ALSO UNDERSTAND THAT THERE IS A MINIMUM
12 MANDATORY TERM OF SUPERVISED RELEASE OF AT LEAST 5 YEARS
13 WHICH MUST BE IMPOSED BY THE COURT TO FOLLOW YOUR TERM OF
14 IMPRISONMENT?

15 A. YES.

16 Q. DO YOU ALSO UNDERSTAND THAT IN APPROPRIATE CASES THE
17 COURT MUST ORDER RESTITUTION AND THAT CERTAIN OF YOUR
18 PROPERTY MAY BE SUBJECT TO FORFEITURE BECAUSE OF YOUR
19 GUILTY PLEA?

20 A. YES.

21 Q. MR. CHRISTOPHER, IF YOUR PLEA IS ACCEPTED, YOU WILL
22 BE ADJUDGED GUILTY OF A FELONY. THIS WILL CAUSE YOU TO
23 LOSE CERTAIN VALUABLE CIVIL RIGHTS; SUCH AS, THE RIGHT TO
24 VOTE, THE RIGHT TO HOLD PUBLIC OFFICE, THE RIGHT TO SERVE
25 ON A JURY AND THE RIGHT TO POSSESS ANY KIND OF FIREARMS OR

1 AMMUNITION. KNOWING THOSE ADDITIONAL PENALTIES, DO YOU
2 STILL WANT TO PLEAD GUILTY HERE TODAY?

3 A. YES.

4 THE COURT: MR. BOWMAN, HAS MR. MAY -- EXCUSE
5 ME, MR. CHRISTOPHER WAIVED ANY APPEAL RIGHTS OR RIGHTS TO
6 FILE A SECTION 2255 MOTION IN THIS PLEA AGREEMENT?

7 MR. BOWMAN: YOUR HONOR, HE HAS, AND THAT
8 WAIVER IS CONTAINED IN PARAGRAPH 10 OF THE PLEA AGREEMENT.

9 THE DEFENDANT HAS AGREED NOT TO FILE A DIRECT
10 APPEAL OF HIS CONVICTION OR SENTENCE, EXCEPT THAT HE'S
11 RETAINED THE RIGHT TO APPEAL A SENTENCE IMPOSED ABOVE THE
12 SENTENCING GUIDELINE RANGE DETERMINED BY THIS COURT OR
13 ABOVE ANY MANDATORY MINIMUM SENTENCE DEEMED APPLICABLE,
14 WHICHEVER IS THE GREATER.

15 HE'S ALSO WAIVED THE RIGHT TO FILE ANY MOTION
16 OR PLEADING PURSUANT TO 28 U.S.C. SECTION 2255 OR
17 COLLATERALLY ATTACK HIS CONVICTION OR RESULTING SENTENCE
18 EXCEPT FOR CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL OR
19 PROSECUTORIAL MISCONDUCT.

20 THE COURT: THANK YOU, MR. BOWMAN.

21 Q. MR. CHRISTOPHER, DO YOU UNDERSTAND THAT UNDER YOUR
22 PLEA AGREEMENT WITH THE GOVERNMENT YOU HAVE EXPRESSLY
23 WAIVED RIGHTS TO APPEAL OR TO COLLATERALLY ATTACK YOUR
24 CONVICTION OR THE RESULTING SENTENCE IN THIS CASE AS JUST
25 STATED BY THE UNITED STATES ATTORNEY AND AS SET OUT IN

1 PARAGRAPH 10 OF THIS PLEA AGREEMENT?

2 A. YES.

3 Q. DID YOU READ PARAGRAPH 10 OF THE PLEA AGREEMENT
4 CAREFULLY?

5 A. YES.

6 Q. DID YOU REVIEW THE PROVISIONS OF PARAGRAPH 10 OF
7 THIS PLEA AGREEMENT CAREFULLY WITH YOUR ATTORNEY?

8 A. YES.

9 Q. HAVE YOU AND YOUR ATTORNEY FULLY DISCUSSED THESE
10 WAIVERS OF YOUR RIGHTS TO APPEAL AND YOUR RIGHT TO
11 COLLATERALLY ATTACK YOUR CONVICTION OR THE RESULTING
12 SENTENCE IN THE CASE?

13 A. YES.

14 Q. MR. CHRISTOPHER, UNDER THE SENTENCING REFORM ACT OF
15 1984, THE UNITED STATES SENTENCING COMMISSION HAS ISSUED
16 SENTENCING GUIDELINES FOR JUDGES TO CONSIDER IN DETERMIN-
17 ING SENTENCES IN CRIMINAL CASES. THE USE OF THESE
18 SENTENCING GUIDELINES IS NO LONGER MANDATORY, THEY ARE
19 ADVISORY ONLY; HOWEVER, YOUR ADVISORY GUIDELINE SENTENCING
20 RANGE IS ONE FACTOR WHICH THE COURT MUST CONSIDER IN
21 DETERMINING AN APPROPRIATE SENTENCE IN YOUR CASE. HAVE
22 YOU AND YOUR ATTORNEY TALKED ABOUT HOW THESE ADVISORY
23 GUIDELINES MIGHT APPLY TO YOUR CASE?

24 A. WOULD YOU REPEAT THAT AGAIN, SIR?

25 Q. HAVE YOU AND YOUR ATTORNEY TALKED ABOUT HOW THESE

1 ADVISORY GUIDELINES MIGHT APPLY IN YOUR CASE?

2 A. YES.

3 Q. DO YOU UNDERSTAND THAT THE COURT CANNOT DETERMINE
4 THE ADVISORY GUIDELINE SENTENCING RANGE WHICH APPLIES TO
5 YOUR CASE AND, THEREFORE, DETERMINE AN APPROPRIATE
6 SENTENCE IN THE CASE UNTIL AFTER A PRESENTENCE REPORT HAS
7 BEEN COMPLETED BY THE UNITED STATES PROBATION OFFICE AND
8 BOTH YOU AND THE GOVERNMENT HAVE HAD AN OPPORTUNITY TO
9 OBJECT TO ANY OF THE CONTENTS OF THE PRESENTENCE REPORT?

10 A. YES.

11 Q. NOW, UNDER FEDERAL LAW, MR. CHRISTOPHER, THERE ARE A
12 NUMBER OF OTHER FACTORS THE COURT MUST CONSIDER IN ADDI-
13 TION TO YOUR ADVISORY GUIDELINE SENTENCING RANGE BEFORE
14 DECIDING ON AN APPROPRIATE SENTENCE. THESE OTHER FACTORS
15 ARE LISTED AT TITLE 18, UNITED STATES CODE, SECTION
16 3553(A), AND THEY INCLUDE: THE NATURE AND CIRCUMSTANCES
17 OF THE OFFENSE; YOUR HISTORY AND CHARACTERISTICS; THE NEED
18 FOR THE SENTENCE IMPOSED TO REFLECT THE SERIOUSNESS OF THE
19 OFFENSE; TO PROMOTE RESPECT FOR THE LAW; TO PROVIDE JUST
20 PUNISHMENT FOR THE OFFENSE; TO AFFORD ADEQUATE DETERRENCE
21 TO CRIMINAL CONDUCT; TO PROTECT THE PUBLIC FROM FURTHER
22 CRIMES YOU MIGHT COMMIT; TO PROVIDE YOU WITH NEEDED
23 EDUCATIONAL OR VOCATIONAL TRAINING, MEDICAL CARE OR OTHER
24 CORRECTIONAL TREATMENT IN THE MOST EFFECTIVE MANNER; THE
25 KINDS OF SENTENCES AVAILABLE; ANY PERTINENT POLICY

1 STATEMENT ISSUED BY THE COMMISSION; THE NEED TO AVOID
2 UNWARRANTED SENTENCE DISPARITIES AMONG DEFENDANTS WITH
3 SIMILAR RECORDS WHO HAVE BEEN FOUND GUILTY OF SIMILAR
4 CONDUCT; AND THE NEED, IF ANY, TO PROVIDE RESTITUTION TO
5 ANY VICTIMS OF THE OFFENSE. DO YOU UNDERSTAND THAT THIS
6 COURT WILL CONSIDER ALL OF THESE STATUTORY FACTORS, ALONG
7 WITH YOUR ADVISORY GUIDELINES RANGE BEFORE DECIDING ON AN
8 APPROPRIATE SENTENCE IN YOUR CASE?

9 A. YES, SIR.

10 Q. DO YOU ALSO UNDERSTAND THAT EVEN AFTER IT'S BEEN
11 DETERMINED WHAT ADVISORY GUIDELINE SENTENCING RANGE
12 APPLIES TO YOUR CASE, THE COURT HAS THE AUTHORITY TO
13 IMPOSE A SENTENCE THAT MAY BE MORE SEVERE THAN THE
14 SENTENCE CALLED FOR IN THE GUIDELINES?

15 A. YES.

16 Q. AND LET ME SAY THAT A LITTLE BIT DIFFERENTLY TO YOU,
17 MR. CHRISTOPHER. AS YOU HAVE BEEN ADVISED HERE, THE
18 MANDATORY TERM OF IMPRISONMENT IN THE CASE IS 10 YEARS.
19 THE MAXIMUM TERM OF IMPRISONMENT IS LIFE, HOWEVER. NOW,
20 DO YOU UNDERSTAND THAT REGARDLESS OF WHAT YOUR ADVISORY
21 GUIDELINE RANGE IN THIS CASE MIGHT BE, THIS COURT,
22 NEVERTHELESS, HAS THE AUTHORITY TO IMPOSE A SENTENCE OF UP
23 TO LIFE IMPRISONMENT IN THE CASE?

24 A. YES.

25 Q. AND UNDERSTANDING THAT THE COURT COULD IMPOSE THAT

1 SENTENCE, DO YOU STILL WANT TO PLEAD GUILTY HERE THIS
2 MORNING?

3 A. YES.

4 Q. DO YOU ALSO UNDERSTAND THAT UNDER CERTAIN CIRCUM-
5 STANCES YOU, SUBJECT, OF COURSE, TO THESE WAIVERS YOU HAVE
6 AGREED TO IN THIS PLEA AGREEMENT, OR THE GOVERNMENT MAY
7 HAVE THE RIGHT TO APPEAL ANY SENTENCE THAT IS ULTIMATELY
8 IMPOSED?

9 A. YES.

10 THE COURT: MR. SPURRELL, HAVE YOU MADE ANY
11 REPRESENTATION TO THE DEFENDANT AS TO WHAT SENTENCE THE
12 COURT MIGHT IMPOSE IN HIS CASE OTHER THAN TO ADVISE HIM AS
13 TO THE 10 YEAR MANDATORY MINIMUM SENTENCE REQUIRED BY THE
14 LAW AND TO GIVE HIM AN ESTIMATE AS TO HIS ADVISORY
15 GUIDELINES RANGE?

16 MR. SPURRELL: NO, YOUR HONOR.

17 Q. NOW, MR. CHRISTOPHER, WITH RESPECT TO ANY ESTIMATE
18 YOUR ATTORNEY MAY HAVE GIVEN YOU AS TO YOUR ADVISORY
19 GUIDELINES RANGE, DO YOU UNDERSTAND, FIRST OF ALL, THAT
20 THAT IS SIMPLY YOUR ATTORNEY'S ESTIMATE OF THAT RANGE?

21 A. YES, SIR. I'M TOTALLY IN THE DARK.

22 Q. I'M SORRY?

23 A. I'M TOTALLY IN THE DARK.

24 Q. WELL, MR. SPURRELL TELLS ME HE HAS GIVEN YOU AN
25 ESTIMATE OF WHAT YOUR ADVISORY GUIDELINE RANGE IN THIS

1 CASE MIGHT BE. I'M SIMPLY ASKING IF YOU UNDERSTAND THAT'S
2 AN ESTIMATE ON HIS PART?

3 A. YEAH, I UNDERSTAND THAT PART.

4 Q. ALL RIGHT, AND, FURTHER, DO YOU UNDERSTAND THAT THIS
5 COURT IS NOT BOUND BY YOUR ATTORNEY'S ESTIMATE AS TO YOUR
6 ADVISORY GUIDELINES RANGE?

7 A. UH-HUH; YES.

8 Q. NOW, YOU TOLD ME THAT YOU'RE TOTALLY IN THE DARK,
9 TELL ME WHAT YOU MEANT BY THAT.

10 A. AS FAR AS I WASN'T PROMISED ANYTHING.

11 Q. SO YOU SIMPLY DON'T KNOW WHAT THE SENTENCE IS GOING
12 TO BE; RIGHT?

13 A. I WON'T KNOW UNTIL I GUESS THE PSR COMES BACK.

14 Q. AND EVEN THEN YOU UNDERSTAND THAT THE FINAL DECISION
15 IS MINE?

16 A. YES, DEFINITELY.

17 Q. AND I'LL MAKE THAT DECISION AFTER CONSIDERING THE
18 PRESENTENCE REPORT AND ANY OTHER INFORMATION THAT'S CALLED
19 TO MY ATTENTION BY EITHER THE GOVERNMENT OR BY YOUR
20 ATTORNEY; DO YOU UNDERSTAND THAT?

21 A. YES, SIR.

22 Q. NOW, THE COURTROOM IS EMPTY, MR. CHRISTOPHER, AND
23 THIS IS A SEALED PROCEEDING, BUT I NOTE HERE THAT YOU'VE
24 ALSO ENTERED INTO A PLEA AGREEMENT SUPPLEMENT WHICH
25 REQUIRES YOU TO COOPERATE FULLY WITH THE GOVERNMENT IN

1 THIS CASE. YOU UNDERSTAND THAT IT WILL BE UP TO THE
2 GOVERNMENT TO DECIDE WHETHER OR NOT TO FILE ANY KIND OF
3 MOTION FOR DOWNWARD DEPARTURE AS A RESULT OF YOUR
4 COOPERATION?

5 A. YES.

6 Q. DO YOU UNDERSTAND THAT THEY'RE NOT REQUIRED TO DO
7 SO?

8 A. YES.

9 Q. ALL RIGHT, AND EVEN IF THEY WERE TO FILE THAT
10 MOTION, DO YOU UNDERSTAND THAT I DON'T HAVE TO GRANT IT?

11 A. YES.

12 Q. AND DO YOU UNDERSTAND THAT IF I DO GRANT IT, WHICH
13 IS LIKELY, THAT I WILL THEN DETERMINE THE EXTENT OF ANY
14 DEPARTURE?

15 A. YES.

16 Q. ALL RIGHT. AND BECAUSE ALL OF THAT IS UP IN THE
17 AIR, YOU SIMPLY DON'T HAVE ANY IDEA WHAT YOUR ULTIMATE
18 SENTENCE WILL LIKELY BE, IS THAT WHAT YOU'RE TELLING ME?

19 A. YES, BASICALLY; YES.

20 THE COURT: OKAY. ALL RIGHT. THE COURT HAS
21 OBSERVED THE APPEARANCE OF THE DEFENDANT AND HIS
22 RESPONSIVENESS TO THE COURT'S QUESTIONS. BASED UPON THESE
23 OBSERVATIONS AND HIS ANSWERS TO THE COURT'S QUESTIONS, THE
24 COURT FINDS THAT THE DEFENDANT IS IN FULL POSSESSION OF
25 HIS FACULTIES AND HE IS COMPETENT TO PLEAD GUILTY; THAT HE

1 IS NOT UNDER THE APPARENT INFLUENCE OF NARCOTICS, OTHER
2 DRUGS OR ALCOHOL; THAT HE KNOWINGLY WAIVES HIS CONSTITU-
3 TIONAL RIGHTS TO TRIAL AND THE OTHER RIGHTS ACCORDED TO
4 PERSONS ACCUSED OF A CRIME; THAT HE UNDERSTANDS THE NATURE
5 OF THE CHARGE TO WHICH THE PLEA IS OFFERED AND THE MAXIMUM
6 PENALTY PROVIDED BY LAW FOR THIS OFFENSE; AND THAT HE HAS
7 OFFERED TO PLEAD GUILTY KNOWINGLY AND VOLUNTARILY.

8 ACCORDINGLY, MR. CHRISTOPHER, YOUR PLEA OF GUILTY WILL BE
9 ACCEPTED, AND YOU ARE HEREBY ADJUDGED GUILTY OF COUNT 1 OF
10 THIS INDICTMENT WHICH CHARGES YOU WITH A CONSPIRACY TO
11 DISTRIBUTE 280 GRAMS OR MORE OF A MIXTURE AND SUBSTANCE
12 CONTAINING A DETECTABLE AMOUNT OF COCAINE BASE, CRACK, A
13 SCHEDULE II CONTROLLED SUBSTANCE, IN VIOLATION OF TITLE
14 21, UNITED STATES CODE, SECTIONS 846, 841(A)(1) AND
15 841(B)(1)(B).

16 COUNSEL, I UNDERSTAND MS. HOPSON HAS GIVEN YOU
17 THE DATE FOR SENTENCING AS JUNE 22 AT 9:00 AND THAT THAT'S
18 ACCEPTABLE TO YOU BOTH.

19 MR. SPURRELL: DID YOU SAY JUNE 22?

20 THE COURT: THAT'S WHAT MY --

21 MR. SPURRELL: YOU KNOW WHAT, I THINK I PUT
22 JUNE 20 IN, JUDGE, SO LET ME FIX THAT; BUT THAT'S FINE.

23 THE COURT: ALL RIGHT.

24 ALL RIGHT. MR. CHRISTOPHER, I'M GOING TO
25 SCHEDULE YOUR SENTENCING HEARING IN THIS CASE FOR JUNE 22,

1 2015. 20TH IS PROBABLY ON A SATURDAY.

2 THE CLERK: IT IS, 22, YOUR HONOR.

3 MR. SPURRELL: KNOWING ME, I'D BE SITTING DOWN
4 HERE WONDERING WHY THE DOORS WEREN'T OPEN, JUDGE.

5 THE COURT: JUNE 22, 2015 AT 9:00 A.M. HERE IN
6 THIS COURT. I WILL ORDER THE PREPARATION OF THE
7 PRESENTENCE REPORT WE HAVE DISCUSSED. A PROBATION OFFICER
8 WILL COME TO SEE YOU SHORTLY TO SCHEDULE AN INTERVIEW.

9 NOW, MR. CHRISTOPHER, IT APPEARS FROM THE
10 RECORD IN THIS CASE THAT YOU HAVE PREVIOUSLY BEEN ORDERED
11 DETAINED BY THE UNITED STATES MAGISTRATE JUDGE BASED UPON
12 YOUR WAIVER OF A DETENTION HEARING BEFORE THE MAGISTRATE
13 JUDGE. IN ANY EVENT, YOU HAVE NOW BEEN CONVICTED OF AN
14 OFFENSE WHICH SUBJECTS YOU TO THE MANDATORY DETENTION
15 PROVISIONS OF TITLE 18, UNITED STATES CODE, SECTION
16 3143(A). FOR THAT REASON I WILL ORDER YOUR CONTINUED
17 DETENTION IN THE CUSTODY OF THE UNITED STATES MARSHAL
18 PENDING FURTHER PROCEEDINGS IN THE CASE, AND YOU WILL BE
19 REMANDED TO THE MARSHAL'S CUSTODY.

20 ALL RIGHT. THANK YOU ALL VERY MUCH.

21 MR. BOWMAN: THANK YOU, YOUR HONOR.

22 THE COURT: LET'S TAKE A VERY SHORT RECESS, AND
23 I'LL TAKE UP THE 11:00 MATTER.

24 (PROCEEDINGS ARE CONCLUDED AT 10:55 A.M.)
25

1 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM
2 THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

3
4
5 KAREN J. BRADLEY/S
SIGNATURE OF COURT REPORTER

04/07/17
DATE

6 .